

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD KWAME GAINES,

Plaintiff,

vs.

JEFFREY CHILDRESS, *et al.*,

Defendants.

Case No. 2:09-cv-2326-KJD-RJJ

ORDER

Plaintiff, an inmate proceeding *pro se*, has submitted an Application to Proceed *in Forma Pauperis* with a financial certificate and inmate trust account statement. (#12). Based on the information provided, the Court finds that Plaintiff must pay an initial partial filing fee of \$41.22 toward the full filing fee of three hundred fifty dollars (\$350.00). *See* 28 U.S.C. § 1915(b)(1).

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed *in Forma Pauperis* (#12) is **GRANTED**; however, Plaintiff must pay an initial partial filing fee of \$41.22 toward the full filing fee of three hundred fifty dollars (\$350.00). Plaintiff shall have thirty (30) days from the date this Order is entered in which to have the designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this action. Furthermore, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that the movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at government expense.

IT IS FURTHER ORDERED that the Clerk of the Court shall provide Plaintiff with two copies of this Order. Plaintiff is ordered to make the necessary arrangements to have one copy of this Order

1 attached to the check in the amount of the designated fee, by sending a copy of the order with the "brass
2 slip" for the amount of the fee to Inmate Services for the Nevada Department of Corrections.

3 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department
4 of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
5 preceding month's deposits to Plaintiff's account (inmate #83241), in the months that the account
6 exceeds \$10.00, until the full \$350 filing fee has been paid for this action. The Clerk of the Court shall
7 send a copy of this Order to the Finance Division of the Clerk's Office. The Clerk shall also send a copy
8 of this Order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections,
9 P.O. Box 7011, Carson City, NV 89702.

10 **IT IS FURTHER ORDERED** that this case will be screened as required pursuant to 28 U.S.C.
11 § 1915A as soon as the Court's schedule permits and in the order that it was received. The Clerk of the
12 Court shall retain the complaint at this time.

13 DATED: "Cwi wuv8."4232

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16 UNITED STATES MAGISTRATE JUDGE
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